

**EXHIBIT H**

**John M. LaRosa, Esquire**

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**From:** "DiBianca, Margaret" <mdibianca@ycst.com>  
**To:** "John M. LaRosa, Esquire" <JLR@LaRosaLaw.com>  
**Cc:** "Butler" <ceb@cebutler.com>; "Kathleen Jennings" <KJennings@ojlaw.com>  
**Sent:** Friday, February 15, 2008 6:20 PM  
**Subject:** RE: Tobin v. Gordon: Submission of Form of Order of Judgment

Alright, that sounds fair to me. I'll get you the draft early next week.

Thanks again,

Molly DiBianca

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**From:** John M. LaRosa, Esquire [mailto:[JLR@LaRosaLaw.com](mailto:JLR@LaRosaLaw.com)]  
**Sent:** Friday, February 15, 2008 5:55 PM  
**To:** DiBianca, Margaret  
**Cc:** ceb@cebutler.com; Kathleen Jennings; Neuberger, Esq. Thomas S.  
**Subject:** Tobin v. Gordon: Submission of Form of Order of Judgment

Molly:

The Judge asked you to file it with the assumption that the parties would agree to the form.

But it is my understanding that whenever a form of order is submitted to the Court, each side agrees to the form or submits competing drafts. You generally do not have a situation where only one side is heard on the format of a proposed order.

Very truly yours,

John M. LaRosa

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----- Original Message -----

**From:** DiBianca, Margaret  
**To:** John M. LaRosa, Esquire  
**Cc:** ceb@cebutler.com ; Kathleen Jennings  
**Sent:** Friday, February 15, 2008 5:42 PM  
**Subject:** RE: Tobin v. Gordon: Pension Issue and Form of Order of Judgment

Sure, that will be fine. I don't think it was supposed to be jointly submitted, but submitted by defendants only. Maybe the other counsel remember?

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**From:** John M. LaRosa, Esquire [mailto:[JLR@LaRosaLaw.com](mailto:JLR@LaRosaLaw.com)]  
**Sent:** Friday, February 15, 2008 5:42 PM  
**To:** DiBianca, Margaret  
**Cc:** Neuberger, Esq. Thomas S.

**Subject: Re: Tobin v. Gordon: Pension Issue and Form of Order of Judgment**

Molly:

Let me know what you decide with respect to the Order. If we can't agree to a form, we can just submit both drafts to the Judge.

Very truly yours,

John M. LaRosa

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----- Original Message -----

**From:** [DiBianca, Margaret](#)  
**To:** [John M. LaRosa, Esquire](#)  
**Sent:** Friday, February 15, 2008 5:20 PM  
**Subject:** RE: Tobin v. Gordon: Pension Issue and Form of Order of Judgment

John,

I passed along Tobin's pension request to the County and I will keep you posted with what I hear. As I said today on the phone, the County is not under any obligation to consider the request but they do have it in any event.

On the Order of Judgment, two things. First, on the conference call, she directed me to file the order, so you don't have to worry about the filing. Second, while I can't be sure, I think it should just be an order closing the case, as the Offer of Judgment has already been docketed and speaks for itself. I will look into it though to be certain.

In the meantime, have a great weekend.

Thank you,

Molly DiBianca

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**From:** John M. LaRosa, Esquire [mailto:[JLR@LaRosaLaw.com](mailto:JLR@LaRosaLaw.com)]  
**Sent:** Friday, February 15, 2008 1:55 PM  
**To:** DiBianca, Margaret  
**Cc:** Neuberger, Esq. Thomas S.  
**Subject:** Tobin v. Gordon: Pension Issue and Form of Order of Judgment

Molly:

The following will memorialize our telephone conversation this afternoon. On behalf of plaintiff, I requested that the County recalculate his pension to reflect retirement at a Captain's rate of pay. Such a measure would not cost the County any additional monies up front. Also, we understand that the County has done this in the past in employment cases for other long-time police officers.

You indicated that in fairness, you indeed would address this issue with your client.

Also, regarding the form of Order of Judgment, I suggested that we use the attached draft, in which we just briefly state the terms as contemplated in Defendants' Offer of Judgment (i.e. "\$25,000 plus reasonable attorneys' fees and costs") and indicate that ultimately the amount awarded for fees and costs will be a figure approved by the Court. If this is acceptable to all defendants, I will file it with the Court.

Please let me know defendants' response on both of these issues by Tuesday.

Thank you for your continued cooperation in resolving this matter.

Very truly yours,

John M. LaRosa

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